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Attorneys for Defendant
Softscape, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUCCESSFACTORS, INC., a Delaware
corporation,

Plaintiff,

v.

SOFTSCAPE, INC., a Delaware corporation;
and DOES 1-10, inclusive,

Defendants.

No. CV 08 1376 CW

**DECLARATION OF SUSAN MOHR IN
SUPPORT OF SOFTSCAPE, INC.'S
OPPOSITION TO PLAINTIFF'S EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

Date of Filing: March 11, 2008

1 I, Susan Mohr, declare as follows:

2 1. I am General Counsel for Softscape, Inc., the defendant in this matter. As
3 such, I make this declaration of my own personal knowledge, unless otherwise stated, and if
4 called as a witness, I could and would testify competently to these facts.

5 2. Softscape, Inc., ("Softscape") headquartered in Wayland, Massachusetts,
6 has successfully developed and marketed human resource management software for more than a
7 decade. Its customers include Fortune 500/Global 500, mid-market, and government
8 organizations around the world.

9 3. I have reviewed the Ex Parte Application for Temporary Restraining Order
10 and Order to Show Cause re: Preliminary Injunction, and the supporting Memorandum of Points
11 and Authorities, filed with this Court on March 11, 2008, by SuccessFactors, Inc.
12 (SuccessFactors, Inc. v. Softscape, Inc.) ("the Application").

13 4. The claims for relief made in the Application arise out of the anonymous
14 circulation on the internet of a PowerPoint Presentation ("the Presentation") critical of plaintiff
15 and its products, which plaintiffs alleges was disseminated via email on March 4, 2008. While
16 the Presentation contained within the email was created in-house by Softscape, it was intended for
17 internal use only by sales and contained what I believed to be accurate information. Softscape did
18 not authorize release or publication of the Presentation, and to the best of my knowledge
19 Softscape did not participate in its alleged circulation to SuccessFactor's customers on the
20 internet or otherwise, directly or indirectly. Although I am continuing to investigate, Softscape is
21 presently unaware how the disclosure of the Presentation occurred. Further, I am not aware of
22 any information that there was any dissemination of this material other than by the single
23 anonymous March 4, 2008, email.

24 5. To the best of my knowledge, Softscape has never and is not now using the
25 Presentation in external sales meetings or marketing efforts, and has no intention to release on the
26 internet, or otherwise publish externally, the Presentation, which it considers to be confidential
27 business information of Softscape. To this end, when this matter was brought to our attention,
28 our CEO sent an e-mail to all sales staff reaffirming the confidentiality of this document and that

1 it was not to be released outside of the company.

2 I declare under the penalty of perjury under the laws of the State of California.

3 Dated: March 12, 2008

4
5 /s/Susan Mohr
SUSAN MOHR

6
7 Filer's Attestation: I hereby attest that I have on file all holograph signatures for any signatures
8 indicated by a "conformed" signature (/S/) within this e-filed document.

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GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY, LLP
ATTORNEYS AT LAW
SAN FRANCISCO

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5 
6 SUSAN MOHR

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DECLARATION OF SUSAN MOHR IN SUPPORT